

No. 100

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States Contractors (defined as non-Salvadoran companies and firms, and their employees who are not nationals of El Salvador, under contract to the United States Department of Defense) who may be temporarily present in El Salvador in connection with ship visits, training, exercises, humanitarian activities, and other activities as mutually agreed.

As a result of these discussions, the Embassy proposes that United States personnel be accorded the privileges, exemptions, and immunities equivalent to those accorded to the administrative and technical staff of a diplomatic mission under the Vienna Convention on diplomatic relations of April 18, 1961; that United States personnel may enter and exit El Salvador with United States identification and with collective movement or individual travel orders; that El Salvador shall accept as valid all professional licenses issued by the United States, its political subdivisions or states thereof to United States personnel for the provision of services to authorized personnel; and that Salvadoran authorities shall accept as valid, without a driving test or fee, driving licenses

DIPLOMATIC NOTE

or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The government of El Salvador recognizes the particular importance of disciplinary control by United States armed forces authorities over United States personnel and, therefore, authorizes the government of the United States to exercise criminal jurisdiction over United States personnel while in El Salvador.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within El Salvador and that the United States Department of Defense and United States personnel may import into, export out of, and use in El Salvador any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador. The Governments of the United States of America and El Salvador shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in El Salvador.

The Embassy proposes that vessels and vehicles operated by or, at the time, exclusively for the United States Department of Defense may enter, exit, and move freely within the

territory of El Salvador, and that such vehicles (whether self-propelled or towed) shall not be subject to the payment of overland transit tolls. Vessels and aircraft owned or operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to the payment of landing, parking, or port fees, pilotage charges, lighterage, and harbor dues at facilities owned and operated by the government of El Salvador. Aircraft owned and operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to payment of navigation, overflight, terminal or similar charges when in the territory of El Salvador. The United States Department of Defense shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the Armed Forces of El Salvador. Aircraft and vessels of the United States government shall be free from boarding and inspection.

The Embassy also proposes that the United States Department of Defense may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in El Salvador without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment or services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the government of the United States of America. Acquisition of articles and services in El Salvador by or on behalf of the United States Department of Defense in connection with activities under this Agreement shall not be subject to any taxes or similar charges in El Salvador.

The Embassy further proposes that United States contractors in fulfillment of contracts with the United States Department of Defense in connection with activities under this agreement may import or utilize in El Salvador or export therefrom any personal property, equipment, supplies, technology, training, or services. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador.

The Embassy proposes that United States contractors shall be granted the same treatment as United States personnel with respect to professional and drivers' licenses.

The Embassy proposes that United States personnel shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this agreement.

The government of El Salvador recognizes that it may be necessary for the United States armed forces to use the radio spectrum. The United States Department of Defense shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 constitution and Convention of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States Government. Further, the Embassy proposes that the Parties waive any and all claims (other than contractual claims) against each other for damage to, loss, or destruction of the other's property or injury or death to

personnel of either Party's armed forces or their civilian personnel arising out of the performance of their official duties in connection with activities under this Agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved in accordance with United States laws and regulations, with said government taking steps to ensure that claimants have adequate access to the claims process.

Finally, the Embassy proposes further that our two governments or their designated representatives may enter into implementing arrangements to carry out the provisions of this agreement.

If the foregoing is acceptable to the government of El Salvador, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an Agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to present to the Ministry of Foreign Affairs of the Republic of El Salvador, the assurances of its highest and most distinguished consideration:



Embassy of the United States of America,

San Salvador, February 15, 2007.



MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C.A.

Secretary of State

DGAJDH/DNT/CB/N°

0227

THE MINISTRY OF FOREIGN AFFAIRS OF REPUBLIC OF EL SALVADOR has the honor of acknowledging receipt of the Diplomatic Note No.100 dated february 15, 2007, which literally says:

"No. 100

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States Contractors (defined as non-Salvadoran companies and firms, and their employees who are not nationals of El Salvador, under contract to the United States Department of Defense) who may be temporarily present in El Salvador in connection with ship visits, training, exercises, humanitarian activities, and other activities as mutually agreed.

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The government of El Salvador recognizes the particular importance of disciplinary control by United States armed forces authorities over United States personnel and, therefore, authorizes the government of the United States to exercise criminal jurisdiction over United States personnel while in El Salvador.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within El Salvador and that the United States Department of Defense and United States personnel may import into, export out of, and use in El Salvador any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador. The Governments of the United States of America and El Salvador shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in El Salvador.



MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C.A.

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The Embassy further proposes that United States contractors in fulfillment of contracts with the United States Department of Defense in connection with activities under this agreement may import or utilize in El Salvador or export therefrom any personal property, equipment, supplies, technology, training, or services. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any other charges assessed within El Salvador.

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MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE EL SALVADOR C.A.

Finally, the Embassy proposes further that our two governments or their designated representatives may enter into implementing arrangements to carry out the provisions of this agreement.

If the foregoing is acceptable to the government of El Salvador, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an Agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to present to the Ministry of Foreign Affairs of the Republic of El Salvador, the assurances of its highest and most distinguished consideration.

Embassy of the United States of America,
San Salvador, February 15, 2007. "

The Ministry of Foreign Affairs has the honor to confirm that the dispositions included in the Note of that Diplomatic Representation are acceptable. However, for the entry into force of those dispositions, the government of the Republic of the El Salvador has to comply with the legal internal procedures, there fore the note of that Diplomatic Representation together with the note of El Salvador in which it is notified the completion of that procedure, shall constitute an Agreement between about this matter.

The Ministry of Foreign Affairs of the Republic of El Salvador reiterates to that Honorable Representation the assurance of its highest consideration and respect.

San Salvador, February 15, 2007.





Translation

REPUBLIC OF EL SALVADOR
MINISTRY OF FOREIGN RELATIONS

DGAJDH/DNT/KQ No. 961

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States of America and refers to the exchange of notes between the governments of the Republic of El Salvador and the United States of America related to United States military and civilian personnel and United States contractors who may be temporarily present in El Salvador in connection with ship visits, training, exercises, humanitarian relief efforts, or other activities as may be mutually agreed on.

The Ministry of Foreign Relations wishes to inform that the Government of the Republic of El Salvador has fulfilled the requisite domestic legal formalities for the entry into force of the above-mentioned Agreement, which was approved by Legislative Decree No. 249 of March 1, 2007, and published in Official Gazette No. 48, Vol. No. 374, of March 12, 2007.

[Complimentary close].

Antiguo Cuscatlán, May 22, 2007

[Ministry stamp]

[Initials]